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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
DANIEL JAMES BARNES,
Defendant.

CASE NO: 2:13-cr-00423-JCM-GWF
**STIPULATION TO CONTINUE
SENTENCING**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by Defendant DANIEL BARNES, by and through his attorney, LUCAS J. GAFFNEY, ESQ., and the United States of America, by and through CRISTINA D. SILVA, Assistant United States Attorney, that the sentencing hearing currently scheduled for July 6, 2016 at the hour of 10:00 a.m. be vacated and continued no less than thirty (30) days to a time convenient to this Honorable Court. The request for a continuance is based upon the following:

1. The additional time requested by this Stipulation to Continue Sentencing Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed in this rule."
2. Defense counsel requires additional time to gather information pertinent to sentencing factors under 18 U.S.C. § 3553(a) in order to determine whether a variance may be warranted for the Defendant.

3. Defense counsel has spoken to DANIEL BARNES who is currently in custody and he has no objection to the continuance.

4. Defense counsel has spoken to Assistant United States Attorney, CRISTINA SILVA, and the Government has no objection to the continuance.

5. The additional time requested herein is not sought for the purposes of delay.

6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

This is the first stipulation to continue sentencing filed herein.

DATED: July 1, 2016

Respectfully submitted,

/s/ Lucas Gaffney
LUCAS J. GAFFNEY, ESQ.
Oronoz, Ericsson & Gaffney LLC
1050 Indigo Drive, Suite 120
Las Vegas, Nevada, 89145
Attorney for Daniel Barnes

/s/ Cristina Silva
CRISTINA D. SILVA
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Las Vegas, Nevada, 89101
Attorney for the United States of America

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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

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10 DANIEL JAMES BARNES,

11 Defendant.
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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

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14 **FINDINGS OF FACT**

15 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
16 Court finds:

- 17
18 1. The additional time requested by this Stipulation to Continue Sentencing Hearing is
19 reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may,
20 for good cause, change any time limits prescribed in this rule.”
21
22 2. Defense counsel requires additional time to gather information pertinent to sentencing
23 factors under 18 U.S.C. § 3553(a) in order to determine whether a variance may be
24 warranted for the Defendant.
25
26 3. Defense counsel has spoken to DANIEL BARNES who is currently in custody and
27 he has no objection to the continuance.
28
29 4. Defense counsel has spoken to Assistant United States Attorney, CRISTINA
30 SILVA, and the Government has no objection to the continuance.
31
32 5. The additional time requested herein is not sought for the purposes of delay.

1 6. Additionally, denial of this request for a continuance could result in a miscarriage of
2 justice.

3 This is the first stipulation to continue sentencing filed herein.
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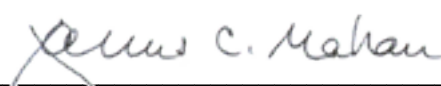
5 **CONCLUSIONS OF LAW**
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7 The ends of justice served by granting said continuance outweigh the best interests of
8 the public in proceeding with the sentencing hearing as scheduled, since the failure to grant
9 said continuance would be likely to result in a miscarriage of justice, would deny the defendant
10 sufficient time and the opportunity within which to be able to effectively and thoroughly
11 prepare for sentencing, taking into account the exercise of due diligence.
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13 **ORDER**
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15 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for July 6,
16 2016, be vacated and continued to **August 4, 2016, at 10:00 a.m.**
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20 DATED July 1, 2016.

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23 UNITED STATES DISTRICT JUDGE
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